



W.P.(MD)No.22707 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.22707 of 2019
and
W.M.P.(MD)No.19459 of 2019

M.Dhandapani

... Petitioner

Vs.

1. The Management of Tamil Nadu,
State Express Transport Corporation
(Tamil Nadu) Ltd.,
represented by its Managing Director,
Pallavan Salai,
Chennai – 2.

2. The General Manager,
State Express Transport Corporation,
(Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai – 2.

3. The Branch Manager,
State Express Transport Corporation
(Tamil Nadu) Ltd.,
Thoothukudi Branch,
Thoothukudi.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the action of the respondents in imposing ticket book recovery of Rs. 2,56,429/- on the petitioner towards face value of unused/unsold missing ticket books as illegal and arbitrary and forbear the respondents from making any further recovery from his salary towards Rs.2,56,429/- the face value of the unsold missing ticket books and further directing the respondents to refund the part amount of Rs.3,000/- already recovered from the petitioners salary for the month of September 2019.

For Petitioner : Mr.A.Rahul
for Mr.M.Manivannan

For Respondents : Mr.K.Sathiya Singh

ORDER

This writ petition is filed for Writ of Declaration, declaring the action of the respondents in imposing ticket book recovery of Rs.2,56,429/- on the petitioner towards face value of unused/unsold missing ticket books as illegal and arbitrary and forbear the respondents from making any further recovery from his salary and further directing the respondents to refund the part amount of Rs.3,000/- already recovered from the petitioners' salary for the month of September 2019.



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2. The petitioner commenced the trip from Thiruchendur on 18.08.2019 at 1.30 pm and was on duty the next day i.e. on 19.08.2019.

While the petitioner was on duty, when the bus stopped at Poigai, Vellore District in the road side hotel called “Ananthas”, the petitioner has left his bag which contains Ticket and has took the cash bag along with him. When the petitioner returned, he found that the said bag containing of unsold ticket book was missing. Immediately the petitioner made arrangements for the travel of passengers in another bus and went to Virinchipuram Police Station, Vellore District along with the bus for lodging complaint and the complaint was registered on 19.08.2019 at 10.15 pm in CSR No.396 of 2019. There was no delay on the part of the petitioner to report the missing Tickets to the Police Station.

3. However, the respondents placed the petitioner under suspension, vide order, dated 04.09.2019 and through oral order insisted the petitioner to pay total sum of Rs.2,56,429/- towards the face value of unsold tickets. Subsequently, the respondents deducted Rs.3000/- from the salary for the month of September 2019. Aggrieved over the same,

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the present writ petition has been filed.

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4. The issue of loss of unused tickets was considered by this Court in W.P.(MD)No.5068 of 2015 and W.P.(MD)No.12115 of 2015. The case was also considered by the Hon'ble High Court in Management of Rani Mangammal Transport Corporation Ltd vs. Palanisamy reported in (2008) 1 MLJ 224. The concerned employee has preferred complaint and lodged FIR, then the employee is not liable to pay the face value of the tickets. Even the respondents have entered into 12(3) settlement and has stated that the said employee is not liable to pay the amount.

5. Therefore, taking into consideration of the judgment cited supra and the 12(3) settlement, this Court is directing the respondents to refund the amount which was deducted from the petitioner's salary for the month of September 2019. Further the respondents are restrained from collected the balance amount.



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6. With the above said direction, this Writ Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed,

12.12.2022

Index : Yes / No
Internet : Yes / No
jbr

To

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S.SRIMATHY, J

jbr

Order made in
W.P.(MD)No.22707 of 2019

12.12.2022